

REMARKS

After entry of the foregoing amendments, claims 1-27 are pending in the application.

In compliance with the Examiner's requirement, the title has been changed. No change in claim scope should be inferred from the change in title.

The *Related Application Data* paragraph has been amended by insertion of a serial number that was unavailable at the time the application was originally filed.

Claim 14 has been amended herein without prejudice and in accordance with its equivalents.

Claims 1-5, 7-12, 15, 18 and 19 stand rejected over Davis (6,269,361) in view of Eyal (6,389,467).

Davis is understood to disclose an internet search engine wherein companies can bid for placement of their web sites at the top of a list of search results.

The Davis patent (assigned to GoTo.com, since renamed Overture.com) describes technology employed at yahoo.com, msn.com, and other search engines. A vendor of digital cameras, for example, can bid to pay \$0.63 in order for its link and blurb to appear at the top of search results when a user queries one of these search engines with the search term "digital cameras." Gateway has bid such an amount. Dell has bid \$0.62. The promotional links are displayed in order of the bid amounts. Whenever a user follows one of these promotional links, Gateway or Dell pays the specified amount to Overture (who splits it with Yahoo, MSN, etc.).

Thus, on the Overture.com web page, a search for "digital cameras" is headed by the following:

Get listed in these results and reach 80% of active Internet users on sites like Yahoo!, Lycos, AltaVista and MSN.

1. **Digital Cameras from Gateway®**

With great deals like these, now is the time to update your digital camera. Check out our huge selection of the latest high performance computers and accessories today.
accessories.gateway.com (Advertiser's Max Bid: \$0.63)

2. **Your Online Source for Digital Cameras**

Dell4me has everything you need, from digital cameras to peripherals and more, organized into easy-to-find categories so you can save time and money. We're more than just a computer company.
www.dell4me.com (Advertiser's Max Bid: \$0.62)

3. **Don't Buy It Before You PriceSCAN It!**

PriceSCAN is your unbiased guide to finding low prices on digital cameras.
www.pricescan.com (Advertiser's Max Bid: \$0.62)

The Overture.com web page specifies the amount bid. This information is omitted on the web pages of the partnering search engine companies, such as yahoo.com and msn.com. The yahoo.com search page for "digital cameras," for example, looks like this:

Sponsor Matches	(What are Sponsor Matches?)
<ul style="list-style-type: none"> • <u>Digital Cameras from Gateway®</u> - With great deals like these, now is the time to update your digital camera. Check out our huge selection of the latest high performance computers and accessories today. accessories.gateway.com • <u>Your Online Source for Digital Cameras</u> - Dell4me has everything you need, from digital cameras to peripherals and more, organized into easy-to-find categories so you can save time and money. We're more than just a computer company. www.dell4me.com • <u>Don't Buy It Before You PriceSCAN It!</u> - PriceSCAN is your unbiased guide to finding low prices on digital cameras. www.pricescan.com • <u>Deals on Digital Cameras at Tech Depot</u> - Tech Depot by Office Depot lets you choose from over 60,000 low-priced computer and technology products, all with competitive shipping rates. Buy your digital cameras online now. www.techdepot.com 	

Applicant respectfully submits that Davis – even if taken in conjunction with Eyal – does not render the claimed combinations obvious.

Eyal is understood to disclose a streaming media system that can provide desired music in response to typed-in user queries.

Eyal is *not* understood to disclose *deriving* an identifier from an existing media content object. Rather, Eyal seems to contemplate that the *user* will type-in an identifier

(e.g., the name of a desired artist, such as “Mariah”¹) that the user hopes will result in location of the desired media content object. No derivation of the identifier from the object, as required by the claim, is taught by Eyal.

Moreover, applicants respectfully submit that an artisan confronted with the Davis and Eyal references would find no incentive to modify and jigsaw together the disparate teachings of the references, absent impermissible use of hindsight.

The limitation of claim 3 does not seem to be anywhere taught or suggested by the cited art. Davis seems to contemplate a never-ending bidding process, in which a new company can always present a further bid, e.g., to displace Gateway’s blurb from the top of search results for “digital cameras.” Neither of the applied references discloses an auction that continues “for a predetermined period commencing with said first bid.” If the rejection is renewed, clarification of the basis therefore is requested so same may be addressed in the appeal brief.

The limitations of claims 8-12 also do not seem to be anywhere taught or suggested by the cited art. Again, if these rejections are renewed, clarification of the basis therefore is requested.

Claims 18 and 19 are rejected over Davis/Eyal, although claim 16 from which these claims depend is not so rejected. These rejections are also traversed.

Neither Davis nor Eyal teaches the limitation found in claim 16, that the link is to be associated *for a predetermined time period* with an identifier. Instead, the time period taught by Davis is indefinite – extending until higher bids supplant the top-ranked links. (Eyal seems silent on the point.) Claim 19 adds the further feature that the identifier is *derived* – a feature as to which the cited art is again silent.

Claims 6 and 13 stand rejected over Davis and Eyal, and further in view of Thomas (6,401,118). Thomas discloses MP3 files. But Thomas does not cure the earlier-noted shortcomings of claim 4 (from which claim 6 depends) or claim 11 (from which claim 13 depends). Nor does Thomas teach any arrangement in which identifiers are

¹ Fig. 21; Col. 9, lines 35-36.

automatically generated from different versions of an MP3 file, with different bits, yet correspond to the same media content object, as required by claim 13.

Claims 14, 16 and 17 stand rejected as identically disclosed by Garber, 4,905,163.

Garber is not among the references listed in the PTO-892 provided by the Office, and the body of the rejection references Davis instead of Garber. Accordingly, the reference to Garber appears to be a typo, and the rejection is instead understood to be based on Davis alone.

Claim 14 has been amended to specify that the auction required by this claim is time-limited. Again, Davis teaches a continual bidding process, where a higher bid can always supplant others.

Claim 16 requires that the link be associated with the identifier *for a predetermined time period* and further requires re-auctioning *at the expiry of said predetermined time period*. Although the Action cited Davis columns 5-6 for this teaching, a careful review of the cited columns reveals no such teaching. Again, clarification is solicited so that same can be fully addressed in the appeal brief.

Claim 17 requires that the proceeds of the re-auctioning be shared with the high bidder of a previous auction. Again, columns 5-6 of Davis are cited. Again, a careful review of Davis finds no support for such limitation.

In the example given above, if Dell bids \$0.64 for the privilege of being listed first among yahoo.com search results for "digital camera," there is nothing in Davis to suggest that part of this fee be shared with Gateway – the high bidder of a previous auction.

Again, clarification is solicited if this rejection is renewed.

New dependent claims 20-27 are added to more fully protect applicants' inventive work. Each of these new dependent claims recites additional features that are believed patentable over the proposed combination of references.

For example, in claims 20, a primary function of the database recited in claim 1 is to link consumers to internet resources, such as web pages, that promote goods or services that are related to the media content objects and that are offered by commercial

entities, where the user is one of the consumers, and wherein the consumer can participate in such linking in a manner customarily reserved to the commercial entities.

And in claim 21, the method of claim 1 automatically provides the identifier from a process on a user device - such as a computer - to the database, without requiring the user to type or otherwise manually enter the identifier.

Additional inventive features are presented in claims 22-27 as well.

Information Disclosure Statement

An Information Disclosure Statement ("IDS") and Form 1449 are submitted concurrently herewith. Consideration of the documents cited in the IDS is respectfully requested.

Conclusion

The application is believed to be in condition for allowance. Nevertheless, the Examiner is invited to contact the undersigned at 503-495-4575 if any issue remains.

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Respectfully submitted,



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Attachment: Marked-up Claim 14 and New Claims
Marked-up Version of Changes to Specification

Marked-up Claim 14 and New Claims

14. (Amended) A method of managing a universe of identifiers, some of said identifiers being active and having internet resources associated therewith, and others of said identifiers being inactive, the method including receiving a query corresponding to an inactive identifier and, in response, initiating [an] **a time-limited** auction, a winner of said auction being granted the privilege of associating an internet resource with said identifier for at least a predetermined time period.

20. (New) The method of claim 1 wherein a primary function of the database is to link consumers to internet resources, such as web pages, that promote goods or services that are related to the media content objects and that are offered by commercial entities, and said user is one of said consumers, wherein the consumer can participate in such linking in a manner customarily reserved to the commercial entities.

21. (New) The method of claim 1 that includes automatically providing the identifier from a process on a user device - such as a computer - to the database, without requiring the user to type or otherwise manually enter the identifier.

22. (New) The method of claim 4 wherein a primary function of the database is to link consumers to internet resources, such as web pages, that promote goods or services that are related to media content objects and that are offered by commercial entities, and said party is one of said consumers, wherein the consumer can participate in such linking in a manner customarily reserved to the commercial entities.

23. (New) The method of claim 1 that includes automatically providing the identifier from a process on a device maintained by said party - such as a computer - to the database, without requiring said party to type or otherwise manually enter the identifier.

24. (New) The method of claim 14 wherein said identifiers and internet resources are associated through a database, a primary function of which is to link consumers to internet resources that promote goods or services that are related to media content objects and that are offered by commercial entities, and said winner is one of said consumers, wherein the consumer can participate in such linking in a manner customarily reserved to the commercial entities.

25. (New) The method of claim 14 that includes automatically deriving the identifier using a device maintained by said winner, without requiring said winner to type or otherwise manually enter the identifier.

26. (New) The method of claim 16 wherein a primary function of the database is to link consumers to internet resources that promote goods or services that are related to media content objects.

27. (New) The method of claim 16 that includes automatically deriving the identifier from a media content object.

Marked-up Version of Changes to Specification

In the Title

Please amend the title to read:

CONSUMER DRIVEN METHODS FOR ASSOCIATING CONTENT
IDENTIFIERS WITH RELATED WEB ADDRESSES [METHODS OF
LEASING VIRTUAL ADDRESSES]

In the Specification:

Rewrite the paragraph found at page 1, lines 4-8 (under the heading *Related Application Data*) to read as follows:

The subject matter of the present application is related to that disclosed in copending applications 09/476,686, filed December 30, 1999; 09/531,076, filed March 18, 2000; 09/563,664, filed May 2, 2000; and 09/574,726, [] (attorney docket 60195), filed May 18, 2000. The disclosures of these applications are incorporated herein by reference.